

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:	Case No.:	18-14226 (RG)
ELAINA LIVA,	Chapter:	7
Debtor.	Judge:	Rosemary Gambardella

NOTICE OF PROPOSED COMPROMISE or SETTLEMENT OF CONTROVERSY

Steven P. Kartzman, Chapter 7 Trustee, in this case proposes a compromise, or to settle a claim and/or action as described below. If you object to the settlement or compromise, you must file a written objection with the Clerk of the United States Bankruptcy Court, and serve it on the person named below not later 7 days before the hearing date.

Address of the Clerk:	Jeanne A. Naughton, Clerk Martin Luther King Jr. Federal Building 50 Walnut Street, P.O. Box 1352 Newark, New Jersey 07102
-----------------------	---

If an objection is filed, a hearing will be held before the Honorable Rosemary Gambardella on July 13, 2021 at 10:00 a.m. at the United States Bankruptcy Court, Courtroom No. 3E, Martin Luther King Jr. Federal Building, 50 Walnut Street, Newark, New Jersey (hearing to be scheduled for at least 28 days from the date of the filing of the notice). If no objection is filed the clerk will enter a *Certification of No Objection* and the settlement may be completed as proposed.

Nature of action: On September 22, 2006, the Divorce Court entered a Judgment liquidating the amounts owed by the Debtor's ex-husband to Ms. Liva through September 30, 2006 under the Divorce Judgment for \$553,737.00. In 2019 the Debtor's ex-husband passed away. In early 2020, the Trustee entered a Consent Order with the Debtor resolving her claim to an exemption pursuant to 11 U.S.C. § 522(d)(10)(D) as to the support owed which allocated 80% of any recovery to the Debtor, after deduction of the costs of the recovery. In 2020 the Trustee timely filed two statements of claim against the Probate Estate on Debtor's behalf stemming from the Divorce ("Claim No. 35") and the 2006 Judgment ("Claim No. 32"). The Personal Representative of the Probate Estate formally objected to each statement of claim filed by the Trustee and the decedent's widow informally joined in these objections, and argued that she was the rightful beneficiary of the Inheritance Proceeds. The Trustee filed an *Independent Action Against Personal Representative of the Estate of Edward Liva, Jr. Upon Claims of Elaina Liva* (the "Independent Action") in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida. The Trustee asserted an equitable lien and/or constructive trust over the proceeds of the Decedent's inheritance from his father's estate, including the sum of \$422,008.01 (the "Inheritance Proceeds"). The Personal Representative and the Beneficiary disputed the claims asserted by the Trustee against the Probate Estate. As of the mediation the Probate estate had accrued administrative expenses on account of legal fees, accounting fees, funeral expenses and the mediator's fee, estimated at a total of \$45,000.00. The parties mediated the Trustee's claims for about seven hours and entered into a settlement agreement.

Pertinent terms of settlement: The Trustee's equitable lien over the Inheritance Proceeds will be recognized. The Personal Representative is to turn over the Inheritance Proceeds to the Trustee, less a carveout of \$50,000.00 from the Inheritance Proceeds in favor of the Probate Estate for administrative costs and fees which shall be deducted from the amounts turned over to the Trustee, and a carveout of the sum of \$55,000.00 from the Inheritance Proceeds in favor of the Beneficiary (the "Beneficiary Carveout") in legal fees and to settle her claims as the sole beneficiary of the estate. Claim No. 32 will be allowed in an amount equal to \$782,940.99 less the Inheritance Proceeds. Claim No. 35 will be allowed in an

amount equal to \$1,774,799.52. Within five (5) business days after the receipt of the Inheritance Proceeds by the Trustee in cleared funds, the Trustee shall dismiss the Independent Action with prejudice. All parties will release each other from any further liability. Given the uncertainty and complexity associated with the litigation, the Trustee believes that the settlement is in the best interests of the estate as it maximizes value and will avoid unnecessary litigation, the cost of which would necessarily diminish any additional recovery.

Objections must be served on, and requests for additional information directed to:

Name: Steven A. Jayson, Esq., Mellinger Kartzman LLC

Address: 101 Gibraltar Drive, Suite 2F, Morris Plains, New Jersey 07950

Telephone No.: (973) 267-0220

United States Bankruptcy Court
District of New Jersey

In re:
Elaina Liva
Debtor

Case No. 19-25392-RG
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Jun 04, 2021

User: admin
Form ID: pdf905

Page 1 of 3
Total Noticed: 44

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 06, 2021:

Recip ID	Recipient Name and Address
db	+ Elaina Liva, 5 Horizon Road, Apt. 2908, Fort Lee, NJ 07024-6649
aty	+ Mellinger, Sanders & Kartzman, LLC, 101 Gibraltar Drive, Morris Plains, NJ 07950-1287
r	+ Vikki Healey Properties, 25 W. Pleasant Avenue, Maywood, NJ 07607-1320
r	+ Vikki Healey Properties, 25 W. Pleasant Avenue, Maplewood, NJ 07607-1320
acc	+ WithumSmith+Brown, PC, 200 Jefferson Park., Suite 400, Whippany., NJ 07981-1070
518398664	+ American Express, 1801 NW 66th Ave., Fort Lauderdale, FL 33313-4571
518576000	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
518398666	+ Applied Bank, c/o Credit Control LLC, PO Box 546, Hazelwood, MO 63042-0546
518398667	+ Cap Call, c/o Tara N. Pomparelli, Esq., 122 East 42nd Street, Suite 2112, New York, NY 10168-2100
518398668	+ Cardinal Health 110 LLC, 7000 Cardinal Place, Dublin, OH 43017-1091
518398669	+ Cardinal Health 110 LLC, c/o Keggler Brown Hill & Ritter, 65 E. State Street, Columbus, OH 43215-4213
518398670	+ Cardinal Health 110 LLC, c/o Mitchell J. Malzberg, LLC, 6 E. Main Street, Ste. 7, Clinton, NJ 08809-2627
518398673	+ Chase Auto Finance/JP Morgan, National Bankruptcy Dept., 201 N. Central Ave., MS AZ1-1191, Phoenix, AZ 85004-8001
518398677	+ Chrysler Capital, Bankruptcy Dept., PO Box 961278, Fort Worth, TX 76161-0278
518422998	+ Extreme Marine, 15600 Collins Ave., Miami Beach, FL 33154-1000
518517607	+ JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o National Bankruptcy Services, LLC, P.O. Box 9013, Addison, Texas 75001-9013
518423000	+ Jared D'Argenio, 13931 Packard Terr., Delray Beach, FL 33484-1543
518398679	#+ KML Law Group, P.C., ATTN: Kristina G. Murtha, Esq., 216 Haddon Ave., Ste. 406, Westmont, NJ 08108-2812
518398680	+ Liva, Jonathan, 2 14th Street, Apt. 1001, Hoboken, NJ 07030-6779
518398682	+ MCA Fixed Payment/Merchants Capital, c/o Viraj P. Deshmukh, Thompson, O'Brien, IKamp & Nasuti PC, 40 Technology Pkwy. South, Ste. 300, Norcross, GA 30092-2924
518398681	+ MCA Fixed Payments/Merchants Capital, 6901 Jericho Turnpike, Ste. 218, Syosset, NY 11791-4464
518398683	+ Milstead & Associates, LLC, 1 E. Stow Road, Marlton, NJ 08053-3118
518398686	+ PNC Bank, ATTN: Bankruptcy, 249 5th Avenue, Ste. 30, Pittsburgh, PA 15222-2707
518398688	+ PNC Bank Credit Card, PO Box 5570, Mailstop BR-YB58-01-5, Cleveland, OH 44101-0570
518398685	+ Perla, Daniel, c/o Agentis PLLC, ATTN: Jake M. Greenberg, 55 Alhambra Plaza, Ste. 800, Coral Gables, FL 33134-5254
518398684	+ Perla, Daniel, c/o Davidoff Law Firm PLLC, 228 East 45th Street, Ste. 1700, New York, NY 10017-3343
518423001	+ R&S Pharmaceutical, 8407 Austin Tracy Road, Fountain Run, KY 42133-9606
518398690	+ Sterling National Bank/Astoria Bank, 400 Rella Blvd., Montebello, NY 10901-4241
518398691	+ U.S. Department of Justice, Florida-Southern, 99 NE 4th Street, Ste. 300, Miami, FL 33132-2131
518398693	+ United States Attorney General, United States Dept. of Justice, Ben Franklin Station, PO Box 683, Washington, DC 20044-0683

TOTAL: 30

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Jun 04 2021 21:15:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Jun 04 2021 21:15:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark

518398665	Email/Text: bnc-applied@quantum3group.com	Jun 04 2021 21:16:00	Center, Suite 2100, Newark, NJ 07102-5235 Applied Bank, 4700 Exchange Court, Boca Raton, FL 33431-0966
518398671	+ Email/Text: bk.notifications@jpmchase.com	Jun 04 2021 21:15:00	Chase Auto Finance, c/o National Recovery Group, PO Box 29505, Phoenix, AZ 85038-9505
518398672	+ Email/Text: bk.notifications@jpmchase.com	Jun 04 2021 21:15:00	Chase Auto Finance, PO Box 901003, Fort Worth, TX 76101-2003
518398678	Email/Text: sbse.cio.bnc.mail@irs.gov	Jun 04 2021 21:14:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
518398674	Email/PDF: ais.chase.ebn@americaninfosource.com	Jun 04 2021 21:11:52	Chase Card, ATTN: Correspondence, PO Box 15298, Wilmington, DE 19850
518398675	Email/PDF: ais.chase.ebn@americaninfosource.com	Jun 04 2021 21:10:46	Chase Card Services, Correspondence Dept., PO Box 15278, Wilmington, DE 19850
518398676	Email/PDF: ais.chase.ebn@americaninfosource.com	Jun 04 2021 21:11:51	Chase Freedom, Cardmember Services, PO Box 15299, Wilmington, DE 19850
518398687	Email/Text: Bankruptcy.Notices@pnc.com	Jun 04 2021 21:14:00	PNC Bank, PO Box 3180, Pittsburgh, PA 15230
518614112	Email/Text: Bankruptcy.Notices@pnc.com	Jun 04 2021 21:14:00	PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101
518600591	Email/Text: bnc-quantum@quantum3group.com	Jun 04 2021 21:15:00	Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788, Kirkland, WA 98083-0788
518398689	+ Email/Text: collbknotices@scu.com	Jun 04 2021 21:15:00	Space Coast Credit Union, 8045 N. Wickham Road, Melbourne, FL 32940-7920
518398692	+ Email/Text: usanj.njbankr@usdoj.gov	Jun 04 2021 21:15:00	United States Attonrey, 970 Broad Street, Suite 700, Newark, NJ 07102-2527
TOTAL: 14			

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
518422999	##+	Jamie Liva, 11740 SW Bennington Cir., Port Saint Lucie, FL 34987-2716

TOTAL: 0 Undeliverable, 0 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 06, 2021 Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 4, 2021 at the address(es) listed below:

District/off: 0312-2
Date Rcvd: Jun 04, 2021

User: admin
Form ID: pdf905

Page 3 of 3
Total Noticed: 44

Name	Email Address
Anthony Sodono, III	on behalf of Debtor Elaina Liva asodono@msbnj.com
Denise E. Carlon	on behalf of Creditor PNC Mortgage a Division of PNC Bank, National Association dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Judah B Loewenstein	on behalf of Trustee Steven P. Kartzman jloewenstein@msklaw.net sjayson@msklaw.net;pmasiello@msklaw.net;donnaz@msklaw.net
Robert Link	on behalf of Creditor Sterling National Bank successor by merger to Astoria Bank blink@msgrb.com
Steven A. Jayson	on behalf of Trustee Steven P. Kartzman sjayson@msklaw.net jloewenstein@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net
Steven P. Kartzman	on behalf of Trustee Steven P. Kartzman kartztee@optonline.net nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net
Steven P. Kartzman	kartztee@optonline.net nj16@ecfcbis.com;jloewenstein@msklaw.net;sjayson@msklaw.net;skartzman@msklaw.net;donnaz@msklaw.net;pmasiello@msklaw.net
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov
TOTAL: 8	